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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARRY TOTTEN, JOSE MORENO, in ) No. C 05-04307 SC  
their capacities as Trustees of the LABORERS )  
HEALTH AND WELFARE TRUST FUND )  
FOR NORTHERN CALIFORNIA; LABORERS )  
VACATION-HOLIDAY TRUST FUND FOR ) **NOTICE OF DISMISSAL**  
NORTHERN CALIFORNIA; LABORERS ) **PREJUDICE**  
PENSION TRUST FUND FOR NORTHERN )  
CALIFORNIA; and LABORERS TRAINING )  
AND RETRAINING TRUST FUND FOR )  
NORTHERN CALIFORNIA, )

## Plaintiffs,

V.

ALEX PEGUES, Individually; ROGER PITCHER, Individually; ALEX PEGUES and ROGER PITCHER, Individually and dba C & C MAINTENANCE SERVICE and C & C MAINTENANCE SERVICE,

### Defendants.

NOTICE IS HEREBY GIVEN that, pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiffs LARRY TOTTEN and JOSE MORENO, in their capacities as Trustees of Plaintiffs Trust Funds, voluntarily dismiss Roger Pitcher, individually, in the above-captioned action *without*

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*prejudice.* Said voluntary dismissal without an order of the Court is appropriate, since none of the Defendants have filed an answer or summary judgment in this matter.

5 || Dated: May 22, 2006

**WEINBERG, ROGER & ROSENFELD  
A Professional Corporation**

By: \_\_\_/s/ \_\_\_ Patricia A. Davis \_\_\_\_\_  
BARRY E. HINKLE  
PATRICIA A. DAVIS  
JOYE BLANSCETT  
Attorney for Plaintiffs



**CERTIFICATE OF SERVICE**

I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On May 22, 2006, I served upon the following parties in this action:

Alex Pegues  
1110 Franklin Street, Suite 4  
Oakland, CA 94607-6528

Individually and on behalf of C&C  
Maintenance and C&C Maintenance  
Service

copies of the document(s) described as:

## **NOTICE OF DISMISSAL WITHOUT PREJUDICE**

**[X] BY MAIL** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

I certify that the above is true and correct. Executed at Alameda, California, on May 22, 2006.

/s/ Marveline Carrell  
Marveline Carrell